

# **FREDERICK COUNTY PLANNING COMMISSION**

**August 8, 2018**

---

**TITLE:** Urbana Elementary School

**FILE NUMBER:** SP-07-20, AP #18412, FRO #18414,  
APFO #18413

**REQUEST:** Site Development Plan Approval

The Applicant is requesting Site Development Plan approval for a 725-student capacity, 2-story elementary school (97,811 SF gross floor area, 64,851 SF building footprint) on a 19.88-acre lot. The existing school building of 64,133 SF will be demolished and replaced with this new building.

## **PROJECT INFORMATION:**

ADDRESS/LOCATION: 3554 Urbana Pike, Urbana  
TAX MAP/PARCEL: Tax Map 96, Parcel 71  
COMP. PLAN: Institutional  
ZONING: R-1  
PLANNING REGION: Urbana  
WATER/SEWER: W-3/S-5 (pending approval from MDE for S-3)

## **APPLICANT/REPRESENTATIVES:**

APPLICANT: Board of Education of Frederick County  
OWNER: Board of Education of Frederick County  
ENGINEER/PLANNER: Adtek Engineers, Inc.; Grimm+Parker Architects

**STAFF:** Jerry Muir

**RECOMMENDATION:** Conditional Approval

## **ATTACHMENTS:**

Exhibit 1 - Site Plan Rendering  
Exhibit 2 - Parking and Lighting Modification Requests  
Exhibit 3 - Building Elevations  
Exhibit 4 - FRO Modification  
Exhibit 5 - APFO LOU

# **ISSUE**

## **Development Request**

The Applicant is requesting Site Development Plan Approval for a 2-story, 725-student elementary school and associated playing fields to be constructed on a 19.88 acre parcel currently occupied by the present Urbana Elementary School, which is to be demolished. The site is zoned R-1 and the proposed use is being reviewed as a “Public school” under the heading of *Governmental and Nongovernmental Utilities*, per Section 1-19-5.310 (Use Table) of the Zoning Ordinance.

The 2-story school building itself measures 97,811 sf (gross floor area) with a building footprint of 64,851 sf. The total impervious surface area on the site is 242,618 sf, or 28% of the total site area. In addition to parking and vehicular drive aisles for both cars and school buses, the Site includes multi-use playing fields, hard- and soft-surface outdoor areas for student use, and internal sidewalks connecting to Urbana Pike. To the rear of the building a hard surface play area is provided that can be called into service as a pad for (6) temporary classroom units if needed in the future. These potential portable classrooms are not being reviewed as part of this site plan and will require a future site plan review if and when their installation becomes necessary.

## **Urbana Elementary School**



The proposed Urbana Elementary School Site Development Plan is subject to both the standard site plan criteria, FRO and APFO requirements.

## **BACKGROUND**

### **Development History**

The Urbana Elementary School site was originally constructed as a one story, 64,133 sf building in the 1960's. In 2007 a site plan (SP07-20) was reviewed and approved to add four portable classrooms and up to 12 additional future classrooms when needed. A bio-swale was added to the north side of the lot as part of the project.

### **Existing Site Characteristics**

The proposed school site is fully developed. It is bounded to the east by Urbana Pike (Route 355) and residential development across the road. To the west by the right of way for I-270. The Urbana Fire Department is to the north and to the south is a commercial development, Casa Bella, which is nearing completion.

## **ANALYSIS**

### **Summary of Development Standards, Findings, and Conclusions**

The site of this proposed Urbana Elementary School is located in the R-1 Residential zoning district and must comply with the general Site Plan Review criteria in Section 1-19-3.300.4 as well as to the general development standards set forth in Section 1-19-6 of the Zoning Ordinance.

Key issues related to the proposed Site Plan include:

- Creating a safe internal circulation on the site to accommodate school bus movements as well as the queuing of private cars dropping off and picking up students at the school
- Maintaining a safe and convenient pedestrian environment.
- Accommodating playing fields and recreational areas as required by FCPC's school facility program

The Applicant has presented a site plan that retains the current building orientation with the majority of parking between the school and the public street. This minimizes grading costs while still providing pedestrian access and creating a situation that allows the separation of the school bus traffic from the private automobile access to the school site.

Site Development Plan Approval shall be based upon the criteria found in Section 1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance.

***Site Development, Section 1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting.***

## Findings/Conclusions

### 1. **Dimensional Requirements/Setbacks and Height, Section 1-19-6.100**

The Applicant proposes the following building height and setbacks:

Building Height 32'

Maximum Building Height allowed in a residential zone is normally 30 feet. However, **Section 19-6.160 Height Modification** states "The building heights of this chapter do not apply to:

**Item (C)** schools "provided that for each three feet by which the height of such structure exceeds the maximum generally permitted for structures in the district, the required side and rear yards measurements will be increased by an additional foot." The school is situated from the property lines well in excess of the requirements for this modification.

	Req.	Proposed
Front Setback:	40-ft.	265 ft
Side Setback:	50-ft.	115-140 ft
Rear Setback:	50-ft. (adjacent to I-270)	900+ ft

The design and layout of the school structure and its associated outdoor use areas provides for ample space between side and rear property boundaries. The proposed building as shown on the Site Development Plan greatly exceeds the minimum setbacks, as illustrated above.

All dimensional standards to have been satisfied.

### 2. **Signage, Section 1-19-6.320:** Signage must comply with Zoning Ordinance Sections 1-19-6.300 through 1-19-6.340. The proposed signage plan identifies and distributes site signage based upon the following calculation:

Maximum Signage Area Permitted (Schools):	32 sq. ft.
Signage Area identified on Site plan:	32 sq. ft. (each side of free-standing sign)
Maximum Sign Height:	12 ft.
Proposed Sign Height:	6 ft.
Required Sign Setback:	½ front, rear, side setback (20' front yard)
Provided Sign Setback	100 ft.

Additional directional signage will be provided throughout the site to facilitate separation of vehicular traffic (parking vs. drop-off/pick-up) and to direct drivers to appropriate parking areas within the site. Per Zoning Ordinance section 1-19-6.310(J) on-site directional signage is not included in the maximum sign size.

The signage information provided in the Site Development Plan application demonstrates that the Applicant will meet the requirements of the Zoning Ordinance for signs for the proposed use (Public School) per Section 1-19-6.320(4).

### 3. **Landscaping, Section 1-19-6.400:** The Applicant has submitted a landscape plan in accordance with Zoning Ordinance Section 1-19-6.400. Landscaped screening of parking areas is sufficient as shown. Native plants create the majority of the proposed plantings on

site and the trees have been adjusted to avoid utility conflicts. The applicant has provided a table on the landscape plan demonstrating sufficient canopy cover in the parking areas to provide the 20% required canopy coverage.

Per 1-19-6.400 requires one street tree per every 35' of roadway frontage, therefore 15 street trees are required. Street trees are provided as required, with some limited spacing adjustments for utilities and sight distance at the entrances.

4. **Lighting, Section 1-19-6.500:** The Applicant has provided a lighting plan in accordance with Zoning Ordinance Section 1-19-6.500. Multiple pole-mounted lamps are provided on site as shown on the lighting plan. The plan meets the standards in the Zoning Ordinance with the exception of the 22.5-foot tall pole-mounted lights (20' poles and 2.5' base). The Applicant has requested a modification of the 14-foot maximum lighting height for uses in the residential district as provided in Section 1-19-6.500(G) (**Exhibit 2**). As they point out in their request, there is no spillage from the site except in the vicinity of the gas easement along the southern entrance; the overlap is very minor and should have no noticeable visual effect. A similar modification was granted by the Planning Commission for Sugarloaf Elementary in September, 2014.

**Conditions:** The Applicant is seeking a modification of the lighting pole height requirement to permit a 22.50-ft. tall pole light height. Staff has no objection to this request for lighting fixtures internal to the site.

**Transportation and Parking, Section 1-19-3.300.4 (B):** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

### **Findings/Conclusions**

1. **Access/Circulation:** The Applicant proposes a split vehicular access design for the school site in order to effectively separate school bus traffic from those automobiles entering the school property to park or to pick-up/drop-off a student. All drive aisles are sufficiently wide to provide for emergency vehicle access as well as allowing for shared use of the paved surfaces. The Site Plan incorporates a student drop-off/pick-up queuing loop on the northern side of the school that provides a looping queue through the rear of the site that creates space for stacking dozens of vehicles. This loop incorporates a gated hard surface play area that during these peak times can be opened to allow an extension of the loop. Of course, school staff will have to educate parents on the most efficient way to use the pick-up lane, but ultimately, it should provide much more off street pick-up access than often found in schools.

The school bus access to the site occurs on the building's southern side with the actual bus lanes and boarding areas located at the building's rear, invisible from school's frontage along Urbana Pike. Additional vehicle parking occurs in this area as well, presumably for staff.

2. **Connectivity, Section 1-19-6.220 (F):** The Site, as planned, will be well connected to the local road network as well as to adjacent development. The two driveways are well spaced and

plantings have been adjusted to maximize sight distance. A public sidewalk will cross the entire site with site access points located at the north side of the two driveways.

3. **Public Transit:** This site is not directly served by any current County or regional transit service. A 50-foot wide transportation reservation is provided on this Site Development Plan along the I-270 right-of-way, either for a potential future transit corridor facility or the widening of I-270.
4. **Vehicle Parking and Loading, Section 1-19-6.200 through 1-19-6.220:** Pursuant to Section 1-19-6.220 of the Zoning Ordinance, parking space requirements for the proposed land use are as follows:

Public School

**Parking Required:** 166 spaces (2 spaces per classroom plus 1 space per 8 assembly seats)

**Parking Provided:** 187 spaces (includes 41 classrooms, 6 portable classrooms, and assembly seating capacity for 575 persons)

**Parking Distribution:** Visitor Lot (92 spaces); Staff Lots (50 spaces); After Hours (45 spaces)

Staff notes that the 45 “after hour” spaces are located to the rear of the school and occupy an area used as a hard surface play area during school hours and for queueing at pick-up time. The spaces are not available during normal hours, which means that 142 of the required 166 spaces would be accessible during that time. This does require the Board of Education to request a parking modification for 24 of the required 166 spaces. Their modification request is attached to the staff report (**Exhibit 2**). Staff is in support of this request.

**Loading Space Requirement:** 7 large spaces or 2 small and 5 large spaces required; 1 large space provided. In the parking tabulation chart on the cover sheet, FCPS has described that deliveries are by step vans only (no tractor trailers). The Applicant has requested a modification of standards in Section 1-19-6.210 to allow for 1 large loading space instead of the required 7 large spaces which are not needed for the proposed public school use (**Exhibit 2**). A modification for loading spaces was also granted by the Planning Commission in September, 2014 for the Sugarloaf Elementary school. Staff also has no objections to this request.

5. **Bicycle Parking:** The Zoning Ordinance (Section 1-19.6.220(H)) requires bicycle parking to be provided for buildings 5,000 sf. in size or greater. Each school use (grades K-8) requires the provision of one bicycle rack per classroom. Each rack must accommodate two parked bicycles. The Applicant is showing 41 bike racks in two locations; providing bicycle parking for 32 bikes to the rear of the school and 50 bicycles in the north-east front. There are 41 classrooms planned for this school which would require parking for 82 bicycles. The 41 bike racks shown are generally located in well-illuminated, hard-surfaced areas within close proximity to building entrances.
6. **Pedestrian Circulation and Safety, Section 1-19-6.220:**  
Pedestrian access to and from the site is accommodated primarily via the sidewalk connections emanating from the northern side of both driveways and will connect to the surrounding Urbana neighborhoods. Crosswalks are provided at logical locations that will enhance the safety and convenience of the network for pedestrians in the vicinity.

**Conditions:** The Planning Commission must find the parking and loading space modifications acceptable when the motion for approval is made. Staff has no objection to either modification request.

***Public Utilities, Section 1-19-3.300.4(C):*** Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development.

### **Findings/Conclusions**

1. **Public Water and Sewer Service:** The site is to be served by public water and sewer and is classified W-3/S-5. As noted in the APFO section below, the site has received County approval for a change to S-3. This change is pending MDE approval.

***Natural Features, Section 1-19-3.300.4(D):*** Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.

### **Findings/Conclusions**

1. **Topography:** The school site is currently developed. There will be additional grading to accommodate the new design. The topography to the rear will remain largely unchanged.
2. **Vegetation:** The Applicant is proposing a new landscape plan in conjunction with the new design. Existing areas of forest and tree lines to the rear of the site will remain.
3. **Natural Hazards:** Wetlands are indicated on both the north and south side of the site and their protection is incorporated into the site design.

***Common Areas, Section 1-19-3.300.4(E):*** If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such area, property, and facilities for their intended purposes.

### **Findings/Conclusions**

1. **Proposed Common Area:** As a public school, the facility will serve the neighborhood and greater community as a gathering space. Several open areas to the rear of the building are available for such purposes.

### **Other Applicable Regulations**

**Stormwater Management – Chapter 1-15.2:** Storm water management (SWM) shall be designed in accordance with the 2009 Maryland Storm Water Design Manual, including all revisions and all supplements. SWM concept/development plans must be submitted and reviewed by staff. A final SWM plan must be provided as part of the Improvement Plans submittal.

## **Adequate Public Facilities Ordinance (APFO):**

**Schools:** Schools are not impacted because the development of the property is a non-residential use.

**Water and Sewer:** The Property has a water and sewer classification of W-3/S-5. The public sewer and water facilities are currently adequate to serve the project. The Board of Education requested and received approval from the County to reclassify the sewer as S-3 at their meeting on July 18, 2018. Until MDE approves the County recommendation, the W-3/S-5 remains in effect. Staff believes the S-3 classification will be approved by the State.

**Road Improvements:** This project is given a credit for trips generated by the existing elementary school. The project will generate 250 am and 49 pm new weekday peak hour trips, but is not required to mitigate road improvements that do not satisfy the standards per §1-20-30(A), because the 50 trip threshold is not exceeded in the peak hour of the adjacent street, which is the pm peak hour.

However, the developer is required to provide fair share contributions to existing road escrow accounts per §1-20-12(H). Prior to building permit issuance, the developer has agreed to pay \$6,996 to the road escrow accounts as described in the attached LOU (**Exhibit 5**).

The APFO approval is valid for three (3) years from the date of Commission approval; therefore, approval today would mean the APFO expires on August 8, 2021.

## **Forest Resource Ordinance § 1-21:**

The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan. The plan set outlines the forest conservation mitigation requirements for the 19.88-acre property. The property contains 0.61 acres of existing forest. The Applicant proposes to place the entire 0.61 acres of forest into a FRO easement and plant an additional 0.26 acres in three small pockets directly adjacent to the existing forest. Total mitigation provided is 3.11 acres, comprised of 0.61 acres of forest retention, 0.26 acres of forest planting, and by the transfer of 2.24 acres of "New" forest banking credits, purchased on July 12, 2018. (Site Plan note 27 must be amended to include the use of banking credits)

The site contains 23 specimen trees (trees 30" or greater in diameter). The Applicant is proposing to remove four (4) specimen trees; the remaining 19 specimen trees will be retained and protected.

The Applicant is seeking a modification of the Forest Resource Ordinance (FRO) to permit the removal of the following four (4) specimen trees under the provisions of §§1-21-21 and 1-21-40:

<b>Tree ID #</b>	<b>Size and Species</b>	<b>Location</b>	<b>Condition</b>
1	33" Pin Oak	Northwest corner of property	Good
3	32" Pin Oak	Along western property line in northwestern portion of property	Fair
31	40" Red Oak	Near southern wing of new school	Excellent



34	36" Pin Oak	Near eastern property line in northeastern portion of property	Good
----	-------------	--	------

The Applicant's FRO Modification Request (**Exhibit 4**) discusses each tree, its condition, and why its removal is proposed:

- Tree #1 is in good condition with no structural defects. However, based on the proposed plan, the tree is located within the area designated for the installation of a new water meter vault and water line to the new school.
- Tree #3 exhibits crown dieback, dead limbs, and heavy pruning. The Applicant notes that the plan cannot be altered to save this tree due to the proposed SWM facility, a new sidewalk, and required site grading.
- Tree #31 is in excellent condition. This tree is within the over-dig area for the new school and cannot be saved due to the extensive grading and site improvements required.
- Tree #34 is in good condition. The applicant notes that the plan cannot be altered to save this tree due to the proposed SWM facility and associated site grading required to construct the access drive.

Per §1-21-40 of the FRO, nonhazardous specimen trees must be retained unless reasonable efforts have been made to protect them, the plan cannot reasonably be altered, and the FCPC finds that that the requirements for granting a modification have been met.

### **§ 1-21-21. MODIFICATIONS.**

(A) Modification requests. A person may submit a request to the Frederick County Planning Commission (FCPC) for a modification from this chapter or the requirements of Md. Code Ann., Natural Resources Article, §§ 5-1601 through 5-1612, if the person demonstrates that enforcement would result in unwarranted hardship to the person.

(B) Required information. An applicant for a modification shall:

- (1) Describe the special conditions peculiar to the property that would cause the unwarranted hardship;
- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) Verify that the granting of the modification will not confer on the landowner a special privilege that would be denied to other applicants;
- (4) Verify that the modification request is not based on conditions or circumstances that are the result of actions by the applicant;
- (5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and
- (6) Verify that the granting of a modification will not adversely affect water quality.

(C) Modification approval. The FCPC must make a finding that the applicant has met the requirements in subsection (B) of this section and that enforcement would cause the applicant unwarranted hardship before the FCPC may approve any modification. [Emphasis added.]

In order for the FCPC to grant a modification to allow the removal of specimen trees, the FCPC must find:

- that reasonable efforts have been made to protect the specimen trees and that the plan cannot reasonably be altered (in accordance with § 1-21-40 (B)(1), and;
- that the Applicant meets the six criteria outlined under §1-21-21 (B) (a detailed discussion of the six criteria is provided in the Applicant's modification request)

### **Conditions of Approval**

- The Preliminary/Final FRO plan must be approved prior to Site Plan approval. FRO

mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

**Historic Preservation – Chapter 1-23:** No adverse impacts to historic resources are anticipated as a result of this development proposal.

#### Summary of Agency Comments

<b><i>Other Agency or Ordinance Requirements</i></b>	<b><i>Comment</i></b>
<b><i>Development Review Engineering (DRE):</i></b>	Conditionally Approved
<b><i>Development Review Planning:</i></b>	Conditionally Approved
<b><i>State Highway Administration (SHA):</i></b>	Approved
<b><i>DUSWM Div. of Utilities and Solid Waste</i></b>	Conditionally Approved
<b><i>APFO</i></b>	Approved
<b><i>Street Name/Addressing</i></b>	Approved
<b><i>Health Dept.</i></b>	Conditionally Approved
<b><i>Office of Life Safety</i></b>	Approved
<b><i>Forest Resource Ordinance</i></b>	Conditionally Approved
<b><i>DPDR Traffic Engineering</i></b>	Approved
<b><i>Historic Preservation</i></b>	Approved

## **RECOMMENDATION**

Staff has no objection to Conditional Approval of the Site Development Plan subject to the conditions and modifications noted below. If the Planning Commission conditionally approves the Site Plan, the plan is valid for three (3) years, or until August 8, 2021.

Based upon the findings and conclusions as presented in the staff report, the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

### **Approval of the following modification requests**

1. Planning Commission approval of the modification of the 14-foot maximum height for light poles in a residential district as provided in Section 1-19-6.500(G) to allow 22.5-ft tall pole mounted lights.
2. Planning Commission approval of the requested modification of the required loading space standard to reduce the number of large spaces from the required (7) to the proposed (1) large space. A modification of six loading spaces.
3. Planning Commission approval of the requested parking modification of 24 spaces.
4. Planning Commission approval of the Forest Resource Ordinance modification request to allow the removal of the four (4) specimen trees noted in the staff report

### **Staff Conditions**

1. Address all agency comments as the plan proceeds through to completion.
2. Add the building height to the notes and reference the Ordinance modification
3. Correct the parking count to 187 spaces.
4. Execution of the LOU and FRO documents prior to final site plan approval.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE WITH CONDITIONS**

I move that the Planning Commission **APPROVE** Site Plan SP-07-20 (AP #18412), FRO (AP #18414, and APFO (APFO #18413) with the modifications and conditions as listed in the staff report for the proposed Urbana Elementary School, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

**LEGEND**

- PROPERTY LINE
- NON-TOTAL WETLANDS
- WETLAND BUFFER
- EXISTING MANHOLE
- EXISTING SANITARY SEWER
- EXISTING STORM DRAIN
- UTILITY POLE
- EXISTING WATER LINE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING CONDUIT
- RSPRP
- EXISTING LIGHT
- STK
- EXISTING TREE LINE
- EXISTING FENCE

**GRAPHIC SCALE**

1" = 80' FT.

**KEY MAP**

**C-3**

**ADTEK**

11770 Mainville Drive  
Columbia, MD 21046  
Tel: 410-326-1000  
Fax: 410-326-1001  
www.adtekinc.com

**G&P**

GRIMM AND PARKER

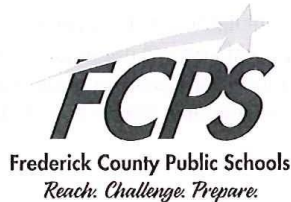
GP# 21740

OVERALL SITE PLAN  
URBANA ELEMENTARY SCHOOL REPLACEMENT  
3554 URBANA PIKE, FREDERICK, MARYLAND

© GRIMM AND PARKER, INC.

## EXHIBIT 2 – PARKING AND LIGHTING MODIFICATION REQUESTS

FACILITIES DIVISION/CONSTRUCTION  
MANAGEMENT  
191 South East Street  
Frederick, Maryland 21701  
301-644-5176 Phone  
301-644-5027 Fax  
[www.fcps.org](http://www.fcps.org)



Roger Fritz, Director  
[Roger.fritz@fcps.org](mailto:Roger.fritz@fcps.org)  
Brad Ahalt, Senior Project Manager  
Brian Staiger, Senior Project Manager  
Tony Ray, Project Manager III  
Vernon Beals, Project Manager III  
Ryan Carter, Project Manager II  
Thomas Mulligan, Project Manager III

June 26, 2018

Frederick County Department of Permitting and Development Review  
30 North Market Street, 3rd Floor  
Frederick, Maryland 21701  
Attn: Jerry Muir, Principal Planner

**Re: Urbana Elementary School Replacement Site Plan Justification  
SP 07-20; AP#18412**

Mr. Muir:

The Site Plan for the new Urbana Elementary School Project proposed for construction and development at 3554 Urbana Pike in Urbana is scheduled to be considered by the Planning Commission at its August 8<sup>th</sup> 2018 meeting. This letter requests modifications of certain site plan criteria established in the Zoning Ordinance and provides a justification statement for these proposed modifications as follows:

### **Parking Requirements:**

Section 1-19-6.220(A) of the Zoning Ordinance establishes standards for the parking space requirements associated with site development plans. The Ordinance requires that two (2) spaces for each classroom and 1 space for every 8 seats in auditoriums or assembly halls be provided. A total of 166 spaces are required, with 41 classrooms, 6 portable classrooms and 575 assembly seats proposed. Though 185 parking spaces are provided per plan, 45 spaces are considered "after hours". FCPS requests a modification to allow the "after hours" spaces to be included in the tabulation of required spaces as these parking areas will be open for use for daytime assemblies as needed and there are no instances of 2 teachers per all classrooms at any given time. Therefore the 140 proposed spaces are adequate and the additional 45 spaces are more than adequate for use during hours of operation.

### **Lighting Requirements:**

Section 1-19-6.500(B) (1) of the Zoning Ordinance establishes standards for proposed lighting associated with site development plans. Specifically, the Ordinance limits the height of pole mounted lights to 14 feet in pedestrian oriented environments including projects in the MXD district. FCPS proposes the installation of pole mounted lights, at locations internal to the site, measuring 22.5 feet in height (20-foot pole plus 30-inch pole base) in order to minimize the number of lighting poles installed and to provide the IES recommended levels of illumination with consideration given to the areas available to place lighting fixtures. Furthermore, FCPS requests a modification of Section 1-19-6.500(D) to permit a spillover of light (not to exceed 1.2 fc) onto the utility easement at the location of the south entrance driveway on the southwestern corner of the site. This additional lighting will illuminate portions of the walkway



that are within the gas easement. Maximum lighting at the property boundary beyond the gas easement shall not exceed 0.50 fc at any point and will not impact any adjacent residential properties. Additionally, the lighting within the site is being designed to comply with LEED v4 Backlight-Uplight-Glare (BUG) ratings for Sustainable Sites – Light Pollution Reduction.

**Loading Requirements:**

Section 1-19-6.210(B) of the Zoning Ordinance establishes standards for parking and loading spaces associated with site development plans. The Ordinance requires a use of this scale to provide (7) large loading spaces. The specific delivery protocols and policies of FCPS establish that deliveries to school facilities are conducted by step vans only (no tractor trailers) and are to occur at the designated loading/delivery area. There are ample areas within the site (bus parking, gated drop-off/pick-up area) for the staging of atypical delivery vehicles should the need arise in the future and the provision of additional large loading areas would serve only to increase paved surface areas on an already constrained site. For these reasons, we request approval of the loading area modification reflected in the current site plan submittal (April 2018).

The FCPS Construction Management Department and the Urbana Elementary Project Design Team appreciate the Planning Commissions consideration of these modifications stated above and request approval of these modifications as shown on the Site Plan (SP 07-20; AP 18412). Please contact me if you require any additional information regarding this request.

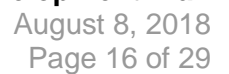
Sincerely,



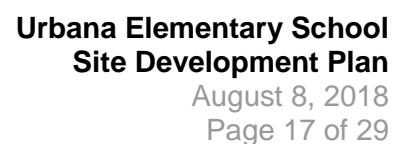
Bradley W. Ahalt  
FCPS Construction Management  
Senior Project Manager

Cc: Paul Lebo, FCPS Chief Operating Officer  
Beth Pasierb, FCPS Facilities Planner  
Roger Fritz, FCPS Director of Construction  
Don Porter, Grimm and Parker Architects  
Kristy Price, Grimm and Parker Architects  
Shawn Benjaminson, Adtek Engineers  
Dave Toth, Oak Contracting

**G+P**  
GRIMM AND PARKER





[illegible]

July 23, 2018

Frederick County Government  
12 East Church St.  
Frederick, MD 21701

Re: Urbana Elementary School  
Request for Specimen Tree Modification  
and Tree by Tree Analysis  
Norton #17-085

On behalf of the Frederick County Public Schools and pursuant to Section 1-21-21(b) *Modification requests* of the Frederick County Forest Resource Ordinance and recent revisions to the State Forest Conservation Law enacted by S.B. 666, we are writing to request a Specimen Tree Modification(s) to allow impacts to or the removal of the following trees identified on the Forest Stand Delineation for the above-named County construction project:

**Project Description:**

The existing Urbana Elementary School is located at 3554 Urbana Pike in Frederick, Maryland. This is a 19.88-acre site that consists of a parcel owned by the Frederick County Public Schools. The site currently hosts the existing school, associated parking, athletic fields and play areas. The site is bordered by public roads to the north and south, and residential single family homes to the east and west. A portion of the upper northern property is bordered by a fire station. Proposed construction consists of a new school, improved circulation and parking, additional athletic areas and updates for ADA accessibility.

**Requirements for Modification:**

Section 1-21-21(b) *Application requirements* states that the applicant must:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) Verify that the granting of the modification will not confer on the landowner a special privilege that would be denied to other applicants
- (4) Verify that the modification request is not based on conditions or circumstances that are the result of actions by the applicant;
- (5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and
- (6) Verify that the granting of a modification will not adversely affect water quality.

- (5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

**Response:** The surrounding land uses do not have any inherent characteristics or conditions that have created or contributed to this particular need for a modification.

- (6) Verify that the granting of a modification will not adversely affect water quality.

**Response:** Tree removals have been minimized by compact design of the layout ensuring the preservation of as many specimen trees as possible. In addition, this property will be developed in accordance with the latest Maryland Department of the Environment criteria for stormwater management. This includes Environmental Site Design to provide for protecting the natural resources to the Maximum Extent Practicable. This includes limiting the impervious areas and providing on-site stormwater management systems. A Stormwater Management Concept is currently under review by the Frederick County to ensure that this criterion is enforced. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in *measurable degradation in water quality*.

As further basis for its modification request, the applicant can demonstrate that it meets the *Minimum criteria*, which states that a variance must not be granted if granting the request:

Presently there is forest along the edges of the property that will be retained to the greatest extent possible. Additional reforestation is proposed along with an expansive landscape planting plan. Additional canopy planting will serve to create greater ecological quality while establishing further buffering of adjacent land uses (residential).

SpecimenTree Summary 30" +										
Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	Critical Root Zone (Sq. Ft.)	Critical Root Zone Impacts	Percent of CRZ Impacted (SF)	Tree Condition	Comments	Status	Variance
1	QUERCUS PALUSTRIS	PIN OAK	33	7698		100%	GOOD	DIEBACK	REMOVAL	YES
3	QUERCUS PALUSTRIS	PIN OAK	32	7238		100%	FAIR	HEAVY PRUNED, CANOPY DIEBACK, DEAD LIMB	REMOVAL	YES
31	QUERCUS RUBRA	RED OAK	40	11310		100%	GOOD		REMOVAL	YES
34	ACER RUBRUM	PIN OAK	36	9161		100%	GOOD	DIEBACK	REMOVAL	YES

**Tree-By-Tree Removal Analysis:**

The following is a tree by tree analysis describing the condition of each tree to be removed.

Tree #1 Tree is a 33# Pin Oak in good condition. The removal is for installation of a new water meter vault and waterline to the new school

Tree #3 tree is a 32" Pin Oak and is considered hazardous because it contains defects including dead limbs, canopy dieback and heavy pruned. Construction of a stormwater management facility, a new sidewalk, and grading will impact on this tree.

Tree #31 This is a 40" Red Oak in good condition proposed to be removed. Impacts include overdig for the building along with site grading and walks.

Tree #34 is a 36" Pin Oak in good condition. The tree is proposed for removal. Impacts include grading for the stormwater management facilities along with infrastructure for access drives.



**TREE #1: 33" PIN OAK**





**TREE #3: 32" PIN OAK**



**TREE #31: 40" RED OAK**





**TREE #34: 36' PIN OAK**





**Conclusion:**

For the above reasons, the applicant respectfully requests that the Planning Board APPROVE its request for tree modification and thereby, GRANTS permission to remove the specimen trees in order to allow the construction of this vital project.

The recommendations in this report are based on tree conditions noted at the time the FSD field work was conducted. Tree condition can be influenced by many environmental factors, such as wind, ice and heavy snow, drought conditions, heavy rainfall, rapid or prolonged freezing temperatures, and insect/disease infestation. Therefore, tree conditions are subject to change without notice.

The site plans and plotting of tree locations were furnished for the purpose of creating a detailed Tree Protection Plan. All information is true and accurate to the best of my knowledge and experience. All conclusions are based on professional opinion and were not influenced by any other party.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Norton', written in a cursive style.

Michael Norton



**FREDERICK COUNTY GOVERNMENT**  
**DIVISION OF PLANNING & PERMITTING**

Jan H. Gardner  
*County Executive*

*Steven C. Horn, Division Director*

**ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING**

**Urbana Elementary School**

*Site Plan #SP07-20 AP #18413*

**In General:** The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Frederick County Public Schools (the "**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the Urbana Elementary School Site Plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 19.88 +/- acre parcel of land, which is zoned R1 and located on the south/west side of Urbana Pike, south of Urbana Pike, between Sugarloaf Parkway and Sprigg Street. This APFO approval will be for the development of a new approximately 100,000 sq. ft. elementary school, replacing an existing 64,133 sq. ft. elementary school, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on July 11, 2018.

**Schools:** Schools are not impacted because the development of the property is a non-residential use.

**Water and Sewer:** The Property has a water and sewer classification of W-3/S-5. While the public sewer and water facilities are currently adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable county regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

*Frederick County: Rich History, Bright Future*  
30 North Market Street, Frederick, MD 21701 • 301-600-1138 • Fax 301-600-1645  
[www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov)

**Road Improvements:** Given a credit for trips generated by the existing elementary school, the Project will generate 250 am and 49 pm new weekday peak hour trips and is not required to mitigate road improvements that do not satisfy level of service standards per §1-20-30(A) because the 50 trip threshold is not exceeded in the critical pm peak hour. However, the Developer is required to provide fair share contributions to existing escrow accounts per §1-20-12(H).

In satisfaction of APFO requirements to provide fair share contributions to existing escrow accounts, the Developer shall pay into County-held escrow accounts the following pro rata contributions:

1. MD 80/I-270 Northbound Ramps: Restripe/reconstruct to provide an additional westbound through lane. Contribute the appropriate pro-rata share (0.17% of \$100,000) to Existing Escrow Account No. 3921 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is \$170.
2. MD 80/Campus Drive: Restripe the eastbound right turn lane to provide an eastbound through lane and right turn lane and construct the receiving lane as an auxiliary lane turning into the right turn lane into Pontius Court. Contribute the appropriate pro-rata share (0.39% of \$110,000) to Existing Escrow Account No. 3249 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is \$429.
3. MD 80/Pontius Court: Provide a second eastbound receiving lane and a replacement eastbound right turn lane. Contribute the appropriate pro-rata share (0.32% of \$300,000) to Existing Escrow Account No. 3923 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is \$960.
4. MD 355/Park Mills Road: Signal. Contribute the appropriate pro-rata share (0.52% of \$250,000) to Existing Escrow Account No. 3929 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is \$1,300.
5. MD 355/Urbana Pike (Southern Connection): Signal. Contribute the appropriate pro-rata share (1.05% of \$300,000) to Existing Escrow Account No. 4043 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is \$3,150.
6. MD 80/Urbana Pike: Restripe the northbound Urbana Pike approach and add pedestrian signals. Contribute the appropriate pro-rata share (1.75% of \$50,000) to Existing Escrow Account No. 4049 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is \$875.
7. MD 355/MD 80: Provide an extended southbound left turn lane on MD 355. Contribute the appropriate pro-rata share (0.32% of \$35,000) to Existing Escrow Account No. 4577 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is \$112.


**Therefore, prior to building permit issuance, the Developer hereby agrees to pay \$6,996 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.**

**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on July 11, 2021.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

**[Signatures on next page]**

**FREDERICK COUNTY PUBLIC SCHOOLS:**


By:  Date: 5/30/18  
Paul Lebo, Chief Operating Officer

**FREDERICK COUNTY PLANNING COMMISSION:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Anthony Bruscia, Chair or Carole Sepe, Secretary

**ATTEST:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Gary Hessong, Director, Permits & Inspections

Planner's Initials / Date  6/25/18

County Attorney's Office Initials / Date \_\_\_\_\_  
(Approved as to legal form)